

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

Crl.MC.No. 4531 of 2003()

CC.340/2001 of JDUL.MAGISTRATE OF FIRST CLASS, RAMANKARI

PETITIONER: ACCUSED:

**C.J. EDWARD, CHERUKAD HOUSE,
EDATHUA, ALAPPUZHA.**

BY ADV. SRI.R.SANTHOSH BABU

RESPONDENTS: COMPLAINANT:

**1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.**

**2. ALEX AUGUSTINE, NEDUVELIL CHALUMKAL,
PULINCUNNU.**

**BY PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR
SRI.JOHN VARGHESE
SRI.T.SAJI**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 25/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

V. RAMKUMAR, J.

Crl. M.C. No. 4531 OF 2003 B

Dated this the 25th day of July, 2007

O R D E R

Petitioner, who is the accused in C.C. No.340/2001 on the file of the JFCM, Ramankary for an offence punishable under section 138 of the Negotiable Instruments Act, 1881, seeks to quash Annexure-II order dated 26.7.2003 refusing the request to cross-examine the complainant further.

2. Eventhough the petitioner would contend that he was denied an opportunity to cross-examine the complainant, on actual verification it is seen that the complainant has been cross-examined on behalf of the revision petitioner. Hence, the court below is right in dismissing his application.

3. The learned counsel for the petitioner submitted that the petitioner's case is that the transaction was between him and the complainant's father and the petitioner had repaid the dues to the complainant's father but unfortunately the complainant's father died in the year 2000 and the petitioner was unable to get the cheque back. He can very well attempt to substantiate the above defence. I do not find any irregularity or impropriety in the impugned order.

This petition is accordingly dismissed.

(V. RAMKUMAR, JUDGE)

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